THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.14026 of 2006

Dated:13.07.2006

Between:

M.Ahmed Baig.

…Petitioners

and

Transmission Corporation of A.P.Limited and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.14026 of 2006

ORDER:

The petitioner is availing power supply from the first respondent under LT (category-III) for his stone crusher Unit. The Unit was inspected by the Assistant Divisional Engineer on 28.01.2006 when the said Inspecting Officer allegedly found incriminating points to lead to inference that the petitioner resorted to pilferage of energy by tampering with MRT seals of the CT box. Accordingly, a notice was issued to the petitioner on 29.01.2006. Assailing the same, the petitioner filed a writ petition, being W.P.No.1881 of 2006, before this Court. The same was disposed of on 01.02.2006 giving liberty to the petitioner to file objections within a period of one week, and the competent authority was directed to consider the objections before passing final assessment order. Accordingly, the second respondent herein, who is the Assessment Officer, under Section 126 of the Electricity Act, 2003 (for short 'the Act'), passed orders on 29.04.2006 calling upon the petitioner to pay a sum of Rs.2,11,341/- being the value of the energy pilfered, while ordering disconnection of power supply. The petitioner was also informed that an appeal would lie against such order to the Chief General Manager, Ranga Reddy Zone.

Learned Counsel for the petitioner, *inter alia,* contends that the

second respondent ignored the objections raised by the petitioner, that without a finding that the petitioner pilfered energy, action under Section 126 of the Act cannot be initiated, and that the impugned order is in violation of the principles of natural justice.

After hearing the learned Counsel for the petitioner and the learned Standing Counsel for the respondents, this Court is of the considered opinion that the disputed questions of fact whether the petitioner pilfered energy by tampering with MRT seals of the CT box, cannot be gone into in this writ petition. The remedy of appeal under Section 127 of the Act is an effective, alternative and efficacious remedy. The petitioner may avail the same. Learned Standing Counsel after getting instructions submits that the power supply to the petitioner's Service Connection No.37-259 LT (category-III) has not been disconnected. The same is recorded. Even otherwise, the petitioner may obtain appropriate orders under Section 127 of the Act and obtain power supply pending appeal. The appellate authority, Chief General Manager, Ranga Reddy Zone, is directed to dispose of the appeal to be preferred by the petitioner within a period of ten days from the date of presentation of the appeal.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

13.07.2006
vs